GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:5066
ANSWERED ON:21.12.2000
PROPOSALS FOR ELECTION COMMISSION
BIR SING MAHATO

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether a number of proposals of the Election Commission are still pending with the Government;

(b) if so, the details thereof; and

(c) the number of all party meeting called by the Government to discuss the pending proposals during the last three years?

Answer

MINISTER OF LAW, JUSTICE & COMPANY AFFAIRS AND SHIPPING (SHRI ARUN JAITLEY)

(a) & (b) Yes, Sir. A statement is laid on the Table of the House.

(c) During the past three years, two meetings of leaders of political parties have been held, one on 22.5.1998 to consider different pending proposals, including the unimplemented recommendations of the Dinesh Goswami Committee and another on 13.5.2000 to consider the question of further extending the current freeze on delimitation of constituencies and other allied issues.

Statement referred to in reply to Parts (a) & (b) of Lok Sabha Unstarred Question No. 5066 for 21.12.2000
PROPOSALS OF THE ELECTION COMMISSION ON `ELECTORAL REFORMS` SENT TO THE GOVERNMENT

I. Proposals requiring constitutional amendments.

1. There should be a maximum of two Election Commissioners, along with the Chief Election Commissioner.

2. The method of appointment and the constitutional protection after appointment should be the same for the Chief Election Commissioner and other Election Commissioners.

3. The Election Commission should have an independent Secretariat and the expenditure of the Commission should be a charged expenditure on the Consolidated Fund of India.

4. Anti-defection law may be amended leaving it to the President and the Governors concerned to decide cases of disqualification under the Tenth Schedule, after obtaining the opinion of the Election Commission.

II. Proposals requiring amendments to Representation of the People Acts of 1950 and 1951

1. Section 8 of the Representation of the People Act, 1951 should be amended to disqualify any person convicted of any offence and sentenced to imprisonment for six months or more from contesting elections for a period totalling the sentence imposed plus an additional six years. Further, a person who is accused of any offence punishable with imprisonment for five years or more should be disqualified, even when his trial is pending, provided that the competent court of law has taken cognisance of the offence and framed the charges against him.

2. Section 13CC of the Representation of the People Act, 1950 and section 28A of the Representation of the People Act, 1951 should be amended to make express provision empowering the Election Commission to frame rules for taking disciplinary action against electoral

officers on deputation to the Commission in connection with elections. (Action already taken on this).

3. Political parties should be required to publish their accounts annually and these should be audited by agencies specified by the Election Commission.

4. Section 29A of the Representation of the People Act, 1951, should be amended to expressly authorise the Election Commission to issue orders regulating registration and de-registration of political parties.

5. Number of proposers for candidates of recognised parties should also be ten as in the case of independent candidates and candidates of unrecognised parties.

6. Proxy voting facility should be granted for all service voters and their spouses.

7. Expenditure incurred by political parties should be included in the election expenses of the candidate concerned [omitting of Explanation (1) under section 77(1)].

8. Non-maintenance of true account of election expenses or not filing its true copy as required under section 78 should be punishable with imprisonment and fine, and on conviction, the candidate should be disqualified for 6 years.

9. A candidate who fails to lodge his election expenses` account within the prescribed time as required under section 78 of Representation of the People Act, 1951, should automatically stand disqualified for a period of 5 years with elections.

10. The Election Commission should be given rule-making powers under the Representation of the People Acts.

11. The Election Commission should be empowered under section 58A of the Representation of the People Act, 1951 to countermand election due to booth capturing even otherwise than on the report of the Returning Officer.

12. The Election Commission should be empowered to issue instructions to any officer in connection with conduct of elections and to make recommendations for referring any matter for investigation to any agency specified by the Commission and for prosecution of any person who has committed any electoral offence.

13. District Election Officers should be statutorily required to be consulted regarding police arrangements during elections.

14. There should be statutory ban on transfer of election officers on the eve of elections.

15. Unauthorised possession of ballot boxes or Electronic Voting Machines and unauthorised printing of ballot papers should be made cognisable offences.

16. Making of a false declaration in connection with elections should be an electoral offence.

17. Simplification of procedure for disqualification of a person found guilty of corrupt practice - Secretary to the Election Commission of India, instead of the existing provision for Secretary of the concerned Legislature, be specified as the authority under sub-section

(1) of section 8A of Representation of the People Act, 1951, to submit cases of

disqualification under that section to the President.

18. Entrusting the Election Commission with the job of delimitation of constituencies instead of setting up of a Delimitation Commission.

19. Model Code of Conduct and measures in enforcement thereof to be made effective from the date of announcement of elections by the Election Commission of India so as to ensure free and fair elections;

20. Appointment of an appellate authority in districts against orders of Electoral Registration Officers.